

## Roehrkasse, Brian

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**From:** Scolinos, Tasia  
**Sent:** Tuesday, March 06, 2007 11:06 AM  
**To:** 'Perino, Dana M.'; Kelley, William K.; Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; O'Hollaren, Sean B.; Martin, Catherine  
**Cc:** Frech, Christopher W.; Roehrkasse, Brian  
**Subject:** RE: US atty hearing

Very bad. We are clearing a strongly worded statement now to get out as soon as we can.

-----Original Message-----

**From:** Perino, Dana M. [mailto:Dana\_M\_Perino@who.eop.gov]  
**Sent:** Tuesday, March 06, 2007 11:05 AM  
**To:** Kelley, William K.; Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; O'Hollaren, Sean B.; Scolinos, Tasia; Martin, Catherine  
**Cc:** Frech, Christopher W.  
**Subject:** Re: US atty hearing

I could try. What about this bud cummins email? This is bad.

-----Original Message-----

**From:** Kelley, William K.  
**To:** Perino, Dana M.; Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; O'Hollaren, Sean B.; 'tasia.scolinos@usdoj.gov'; Martin, Catherine  
**CC:** Frech, Christopher W.  
**Sent:** Tue Mar 06 11:02:01 2007  
**Subject:** Re: US atty hearing

Can we just say that we'll leave it to Congress to examine those questions?

-----Original Message-----

**From:** Perino, Dana M.  
**To:** Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; O'Hollaren, Sean B.; 'tasia.scolinos@usdoj.gov'; Martin, Catherine  
**CC:** Frech, Christopher W.  
**Sent:** Tue Mar 06 10:57:54 2007  
**Subject:** Re: US atty hearing

How do I answer whether we think it was inappropriate for lawmakers to call us attys?

-----Original Message-----

**From:** Looney, Andrea B.  
**To:** Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.  
**CC:** Frech, Christopher W.  
**Sent:** Tue Mar 06 10:54:45 2007  
**Subject:** Re: US atty hearing

Iglesias just said Domenici called and asked if public reports of corruption investigation were true. Iglesias said yes. Domenici asked if they would be filed before Nov. Iglesias said no. Domenici hung up. Iglesias said he felt sick and pressured. Heather Wilson called and asked if he would disclose sealed indictments, Iglesias said no. She responded "well, I guess I have to take your word."

-----Original Message-----

**From:** Looney, Andrea B.  
**To:** Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.;

Perino, Dana M.  
CC: Frech, Christopher W.  
Sent: Tue Mar 06 10:35:12 2007  
Subject: US atty hearing

Sen Kyl just announced that he will not let bill pass by UC without getting the opportunity to offer an amendment to take out the district ct authority. [ Specter, Kyl, Schumer, Feinstein, Cardin and Whitehouse are attendees thus far.] Will keep you posted of other developments as they happen.



**Roehrkaske, Brian**

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**From:** Scolinos, Tasia  
**Sent:** Tuesday, March 06, 2007 11:12 AM  
**To:** Roehrkaske, Brian  
**Subject:** RE:

A private and collegial conversation between Mike Elston and Bud Cummins is now somehow being twisted into a perceived threat by former disgruntled employees grandstanding before Congress despite the fact that Bud Cummins testified under oath that he "did not view it as a threat." Mike Elston did not tell any single U.S. Attorney what they should or should not say publicly about their departure and any suggestion that such a conversation took place is ridiculous and not based on fact.

Brian Roehrkaske  
Deputy Director of Public Affairs  
U.S. Department of Justice  
(202) 514-2007

## Roehrkasse, Brian

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**From:** Scolinos, Tasia  
**Sent:** Tuesday, March 06, 2007 6:27 PM  
**To:** Elston, Michael (ODAG); Roehrkasse, Brian  
**Cc:** Moschella, William  
**Subject:** RE: WDDA Sentencing

Right now we are just trying to get them to pay attention to the reasons - let alone get into detail. They are almost all saying they didn't catch the reasons in the hearing.

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**From:** Elston, Michael (ODAG)  
**Sent:** Tuesday, March 06, 2007 6:17 PM  
**To:** Scolinos, Tasia; Roehrkasse, Brian  
**Cc:** Moschella, William  
**Subject:** FW: WDDA Sentencing

Tasia/Brian:

Here are some rough talking points on the sentencing issue based on publicly available reports from the Sentencing Commission. Will and I do not think you should push this, but if asked about it at least you have some information.

Mike

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Talking points on sentencing issue:

After the Supreme Court's January 2005 decision in *United States v. Booker*, the Department of Justice reiterated its commitment to seeking sentences within the applicable guidelines range unless the facts and the law warranted a departure authorized by the sentencing guidelines in a memorandum from Deputy Attorney General Comey.

-- Since January 2005, the United States Attorney's Office in Seattle has compiled one of the worst sentencing records in the country.

-- For the remainder of FY 2005, more than one out of every five defendants (20.5%) sentenced in that district received a sentence below the guidelines range.

-- In FY2006, nearly one in three defendants (31.2%) sentenced in that district received a sentence below the guidelines range. (These numbers do not include the cases in which the defendant's received a motion for a departure from the government for substantial assistance or any other reason.)

-- To look at it another way, in 2005 post-*Booker* and FY06, fewer than 2 of every five defendants sentenced received a sentence within the guidelines range. These statistics do not compare favorably with the national averages or even the other districts of the Ninth Circuit.

### FY 2006

	Within-Range Sentences	Non-Government-Sponsored Sentences Below the Range (Departures + <i>Booker</i> variances)
WDDA	36.9%	31.2% (232 of 743 cases)
9th Cir.	43.9%	12.8%
National	61.7%	12.0%

**2005 Post-Booker**

	Within-Range Sentences	Non-Government-Sponsored Sentences Below the Range (Departures + <i>Booker</i> variances)
WDWA	37.9%	20.5% (112 of 543 cases)
9th Cir.	49.7%	12.4%
National	61.6%	12.9%